REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-9, 12-14, 16-20 and 75 are pending in the application, with claims 1, 9, and 17 being independent. Claims 21-74 were previously withdrawn, and claims 10, 11 and 15 are canceled herein without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 9, 12, 14 and 16-18 are amended herein. Support for the claim amendments and additions can be found in the original disclosure. No new matter has been added.

§ 102 REJECTIONS

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,012,919 (So). Applicant respectfully traverses the rejection.

Claims 17-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0120761 (Berg). Applicant respectfully traverses the rejection.

Claims 17-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0194345 (Lu). Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claims 1, 9 and 17 have been amended as proposed during the interview and is believed to be allowable.

In view of So

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S.

Patent No. 7,012,919 (So). Applicant respectfully traverses the rejection.

Independent claim 1, as currently amended, recites:

A system to load balance packetized data connections among a plurality of
hosts comprising:
a forwarding component that forwards packets according to entries in a
routing table;
a classifying component capable of classifying packets for the forwarding
component and updating the forwarding component routing table
according to packet content and host status information including a host's
health and load information and wherein the classifying component is
separate from the forwarding component to enhance scalability;
a session tracking component that tracks sessions for at least one of the
forwarding component and the classifying component;
a health and load handling component that is capable of receiving health
and load information from a host and providing the health and load
information to the classifying component; and
a high availability mechanism that provides detection of, handling of, and
recovery from a failure of one or more of the forwarding component, the
classifying component, the session tracking component, and the health and
load handling component, and wherein once a packet in a connection has
been classified subsequent packets in that connection bypass the
classifying component and are sent directly to the host.

So is directed to intelligent load balancing in a label switched path environment.

(So, Abstract) However, So fails to disclose or suggest "a forwarding component that

forwards packets according to entries in a routing table and wherein once a packet in a

connection has been classified subsequent packets in that connection bypass the

classifying component and are sent directly to a host," as presently recited in independent

claim 1. Accordingly, claim 1 is allowable.

Dependent claims 2-8 depend from independent claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

Independent claim 9, as currently amended, recites:

A system for highly available network load balancing infrastructure, the system comprising:

a plurality of different means for load balancing network traffic wherein once a packet is classified by a classifier means subsequent packets in that connection are forwarded by a forwarder means without additional classification;

detection means for detecting a failure of one or more of the plurality of different means for load balancing;

handling means for handling the failure; and

recovery means for recovering from the failure.

So is directed to intelligent load balancing in a label switched path environment. (So, Abstract) However, So fails to disclose or suggest "means for load balancing network traffic wherein once a packet is classified by a classifier means subsequent packets in that connection are forwarded by a forwarder means without additional classification," as presently recited in independent claim 9. Accordingly, claim 9 is allowable.

Dependent claims 12-14 and 16 depend from independent claim 9 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

Independent claim 17, as currently amended, recites:

A network load balancing system comprising:

a first device that includes forwarding functionality; and

a second device that includes classifying functionality, the classifying functionality performing classifying for the forwarding functionality wherein once a packet has been classified subsequent packets in that connection are forwarded without further classification;
wherein hardware of the first device differs from hardware of the second device.

So is directed to an intelligent load balancing in a label switched path environment. (So, Abstract) However, So fails to disclose or suggest ", the classifying functionality performing classifying for the forwarding functionality wherein once a packet has been classified subsequent packets in that connection are forwarded without further classification," as presently recited in independent claim 17. Accordingly, claim 17 is allowable.

Dependent claims 18-20 depend from independent claim 17 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

In view of Berg

Claims 17-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0120761 (Berg). Applicant respectfully traverses the rejection.

Independent claim 17, as currently amended, recites:

A network load balancing system comprising:

a first device that includes forwarding functionality; and

a second device that includes classifying functionality, the
classifying functionality performing classifying for the forwarding
functionality wherein once a packet has been classified subsequent
packets in that connection are forwarded without further
classification;
wherein hardware of the first device differs from hardware of the
second device.

Berg is directed to a method of handling traffic in a server farm (Berg, page 1),
and discloses using a synchronization hub and intelligent network interface cards (Berg,
Fig. 2A). However, Berg fails to disclose or suggest "the classifying functionality
performing classifying for the forwarding functionality wherein once a packet has been
classified subsequent packets in that connection are forwarded without further
classification," as presently recited in independent claim 17. Accordingly, claim 17 is
allowable.

Dependent claims 18-20 depend from independent claim 17 and are allowable by
virtue of this dependency, as well as for additional features that they recite. Applicant
also respectfully requests individual consideration of each dependent claim.

In view of Lu

Claims 17-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S.
Patent Application Publication No. 2002/0194345 (Lu). Applicant respectfully traverses
the rejection.

Independent claim 17, as currently amended, recites:

A network load balancing system comprising:

a first device that includes forwarding functionality; and

a second device that includes classifying functionality, the classifying functionality performing classifying for the forwarding functionality wherein once a packet has been classified subsequent packets in that connection are forwarded without further classification;
wherein hardware of the first device differs from hardware of the second device.

Lu is directed to a content-aware application switch and methods of intelligently switching client packets among servers in a server farm (Lu, Abstract) and discloses a content aware application switch (Fig 5). However, Lu fails to disclose or suggest "classifying functionality performing classifying for the forwarding functionality wherein once a packet has been classified subsequent packets in that connection are forwarded without further classification" or "wherein hardware of the first device differs from hardware of the second device," as presently recited in independent claim 17. Accordingly, claim 17 is allowable.

Dependent claims 18-20 depend from independent claim 17 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

CONCLUSION

For at least the foregoing reasons, claims 1-9, 12-14, 16-20 and 75 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned agent to resolve the issue**.

Respectfully submitted,

Date: __2/5/08__ By: ___/Dominic S. Lindauer/_____
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